

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND MANAGEMENT  
BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et. al.*,

Debtor

PROMESA

Title III

No. 17-03283 -LTS

(Jointly Administered)

LUIS A. RIVERA SIACA

Movant,

v.

THE FINANCIAL OVERSIGHT AND MANAGEMENT  
BOARD FOR PUERTO RICO

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et. al.*,

Debtors

Re: ECF No. 21408

Department of Education of the  
Commonwealth of Puerto Rico

**MOTION FOR LEAVE TO COMPLY WITH ORDER**

**TO THE HONORABLE COURT:**

COMES NOW Luis A. Rivera Siaca (“Rivera Siaca”), through his undersigned counsel,  
and respectfully states and requests:

1. On July 1, 2022, Rivera Siaca filed a Motion to Comply With Payment of  
Administrative Rent (the “Motion”) (Docket No. 21408)

2. On that same date, the Court entered an order scheduling briefing on the Motion and directing Rivera Siaca to file a certified English translation of Exhibit A thereto by July 15, 2022 at 5:00 p.m. (Atlantic Standard Time), as provided by P.R.LBR 9070-1(c), with responsive papers to the Motion to be filed by July 15, 2022 at 5:00 p.m. (Atlantic Standard Time), and Rivera Siaca's reply by July 22, 2022 at 5:00 p.m. (Atlantic Standard Time), for the Court to thereafter take the Motion on submission, unless otherwise determined thereby. (the "Order") (Docket No. 21411)

3. For unknown reasons, the Order was not received by the undersigned counsel and as such compliance by Rivera Siaca therewith was not effected.

4. On July 15, 2022, the Commonwealth of Puerto Rico (the "Commonwealth") by and through the Financial Oversight and Management Board (the "Oversight Board") filed a response to the Motion (Docket No. 21501)

5. Still unaware of the Order, on August 2, 2022, Rivera Siaca filed his reply to the Commonwealth's response (Docket No. 21706)

6. On September 9, 2022, the undersigned wrote to counsel for the Commonwealth inquiring as to the Commonwealth's position regarding Rivera Siaca's reply (Exhibit A), receiving a response on the date hereof (Exhibit B), as a result of which Rivera Siaca became aware of the Order for the first time.

7. Rivera Siaca's pleadings before the Court show the importance of the matter raised by the Motion, its economic impact on Rivera Siaca and his interest in reference thereto.

**WHEREFORE**, it is respectfully requested that an order be entered accepting Rivera Siaca's reply to the Commonwealth's response filed at Docket 21706 and that he be granted until September 28, 2022, at 5:00 p.m. (Atlantic Standard Time) to file a certified English Translation of Exhibit A to the Motion, to substitute Exhibit A to the reply with an English version and file a

certified English translation of Exhibit B thereto, for the Court to then determine to take the Motion on submission, or otherwise schedule a hearing is necessary..

**CERTIFICATE OF SERVICE:** I hereby certify that on this same date I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all ECF participants.

San Juan, Puerto Rico this 12<sup>th</sup> day of September 2022

**s/Charles A. Cuprill-Hernandez**

USDC-PR 114312

Charles A. Cuprill, P.S.C., Law Offices

356 Fortaleza Street - Second Floor

San Juan, PR 00901

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CHARLES A. CUPRILL, P.S.C., LAW OFFICES

Exhibit A

356 Fortaleza Street  
Second Floor  
San Juan, PR 00901

Tels., (787) 977-0515  
(787) 977-0516  
Fax. (787) 977-0518

Charles A. Cuprill-Hernández, Esq. – [cacuprill@cuprill.com](mailto:cacuprill@cuprill.com)

VIA E-MAIL: [hermann.bauer@oneillborges.com](mailto:hermann.bauer@oneillborges.com); [brosen@proskauer.com](mailto:brosen@proskauer.com)

September 9, 2022

Hermann D. Bauer, Esq.  
O'Neill & Borges, LLC  
250 Muñoz Rivera Ave., Suite 800  
San Juan, PR 00918-1813

Brian S. Rose, Esq.  
Proskauer Rose, LLP  
Eleven Times Square  
New York, NY 10036

**RE: Luis A. Rivera Siaca's Response to Debtor's Objection to Motion to Comply with Payment of Administrative Rent (ECF No. 21706 – Case No. 17 BK 3283)**

Dear counsel:

As stated in our Response to the Commonwealth of Puerto Rico's (the "Commonwealth") objection to Mr. Luis A. Rivera Siaca's ("Rivera Siaca") Motion to Comply With Payment of Administrative Rent, the Commonwealth had until September 6, 2022 to object thereto. To date we have not received the Commonwealth's position as to the Response.

It would be appreciated if you would let us know what the Commonwealth intends to do.

Cordially,



Charles A. Cuprill-Hernández

cc. Mr. Luis A. Rivera Siaca  
Ms. Pinsky Rivera Ortiz



**Exhibit B**

Brian S. Rosen  
d 212.969.3000  
brosen@proskauer.com  
www.proskauer.com

September 12, 2022

**Via Electronic Mail**

Charles A. Cuprill, P.S.C., Law Offices  
356 Fortaleza Street  
Second Floor  
San Juan, PR 00901  
Attn: Charles A. Cuprill-Hernandez, Esq.

Re: Luis A. Rivera Siaca's Response to Debtor's Objection to Motion to Comply with Payment of Administrative Rent (ECF No. 21706 – Case No. 17 BK 3283)

Dear Mr. Cuprill:

I am in receipt of your letter, dated September 9, 2022, regarding Luis A. Rivera Siaca's Response to Debtor's Objection to Motion to Comply with Payment of Administrative Rent [ECF No. 21706] (the "Reply"). Therein, you state the Commonwealth had a deadline of September 6, 2022 to object to or otherwise respond to the Reply. Unfortunately, you are incorrect as there is no such deadline.

On July 1, 2022, the Motion to Comply with Payment of Administrative Rent [ECF No. 21408] (the "Motion") was filed. On the same date, the Court entered an order [ECF No. 21411] (the "Scheduling Order") setting a briefing schedule, with responses to the Motion due July 15, 2022 and your reply due July 22, 2022. The Oversight Board timely filed a response [ECF No. 21509] (the "Objection") on July 15, 2022. You failed to comply with the Scheduling Order, but instead, filed a late reply on August 2, 2022 purporting to establish a September 6, 2022 objection deadline for the Debtor to respond to the Reply. The Reply is labeled as a response to the Objection and requests that the Motion be granted. Paragraph III.L of the Sixteenth Amended Notice, Case Management and Administrative Procedures [ECF No. 20190-1] (the "Case Management Procedures") provides that "Sur-replies shall not be permitted or considered unless authorized by the Court."

Because you failed to timely file a reply by the deadline set by the Court in the Scheduling Order, you waived your reply to the Objection, and, pursuant to the Case Management Procedures, cannot purport to set a sur-reply schedule without leave of the Court. Pursuant to the Court's Scheduling Order, the Court shall take the Motion on submission, unless the Court determines that a hearing is necessary.

We are available should you wish to discuss the matter further.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'H. Bauer', written in a cursive style.

Proskauer Rose LLP

cc: Hermann D. Bauer, Esq.  
Mr. Luis A. Rivera Siaca  
Ms. Pinsky Rivera Ortiz